

IN THE MATTER OF  
THE APPLICATION OF  
GEORGE B. GEPHARDT, JR., ET UX  
FOR VARIANCE ON PROPERTY LOCATED  
ON THE SOUTHEAST CORNER POPLAR  
AND POTOMAC AVENUES  
(207 POTOMAC AVENUE)  
15TH ELECTION DISTRICT  
7TH COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO: 95-282-A

\* \* \* \* \*

O P I N I O N

George P. Gephardt, Jr., appealed from the Zoning Commissioner's decision denying a variance to allow three recreational vehicles to be stored in the rear yard of his property at 207 Potomac Avenue in the Seventh Councilmanic District. The subject vehicles are a 30-foot motor home, a house trailer, and a 12-foot boat and trailer.

Testimony and evidence presented was that the subject property in the Chesaco Park community of Baltimore County is a 100 foot by 100 foot parcel, actually comprised of four individual lots of 25 feet in width and 100 feet in depth, with his house on two of the lots. The Gephardt property, two blocks from the Back River, has been their place of residence for 39 years. Mr. Gephardt testified that he has always owned recreational vehicles over the years and kept them on the property, unaware that he was not in compliance with the zoning regulations.

Appellant testified that his use of the several vehicles was to provide hobby and special interests for his ten children, one of whom remains in the home. Mr. Gephardt reviewed his use of the recreational vehicles, including the trailer to transport show ponies that are pastured elsewhere. In addition to these

Case No. 95-282-A, George B. Gephardt, Jr., et ux

recreational vehicles, Appellant also has on the property a pick-up truck and two passenger vehicles.

Craig McGraw, zoning inspector for Baltimore County, testified of his involvement with the Gephardt property because of complaints of the condition of debris and junk materials about the yard. He cited vehicles with no tags and the miscellaneous items cluttering the site. In a case before the District Court, Appellant was given the directive to clean up the property by the time of a pending hearing before the Zoning Commissioner requesting a variance. Photographs entered in this hearing as People's Counsel's Exhibit 1 indicate that the directive has not been accomplished.

Mr. McGraw testified that the subject property is typical of others in the neighborhood in its shape and size. At the time of his next visit to the site (April 17, 1995), Mr. McGraw noted that some of the miscellaneous materials had been removed, but metal and wood debris remained. The vehicles were properly licensed.

Section 415.A.1 of the Baltimore County Zoning Regulations (BCZR) is the regulation that stipulates the number of recreational vehicles permitted on a property as: "One recreational vehicle may be stored 2-1/2 ft from any rear or side lot line on a lot occupied by a single family. When in a side yard it must be 8 ft to the rear of the front foundation." Section 307 of the BCZR gives the County Board of Appeals the power to grant variances...only in cases where special circumstances or conditions exist that are peculiar to the land...and where strict compliance with the zoning

Case No. 95-282-A, George B. Gephardt, Jr., et ux

regulation would result in practical difficulty or unreasonable hardship.

As to the Petition for Variance, it must be adjudged in accordance with the above regulations. Relative to Section 307, there has been no testimony that the Appellant would suffer a practical difficulty or unreasonable hardship. The debris and clutter of the property (People's Counsel's Exhibit 1) obviously is owner-created and is not related to the property itself.

Under the Court of Special Appeals decision in Cromwell v. Ward, 102 Md.App. 691 (1995), the first burden of the petitioner for variance is to prove that the property is unique, and this standard must be met first before other parts of the variance requirements can be properly considered. Testimony of Appellant and Mr. McGraw points to nothing that is unique or peculiar about the land.

The property should be in compliance with Section 415.A.1 which limits one recreational vehicle to a residential property. In the entire neighborhood, Mr. Gephardt testified that his property is typical of his neighbors. The impact of this regulation would be no different for this site than other sites subject to this regulation. This Board is persuaded that the condition of the property and the existence of three recreational vehicles would continue the undesirable appearance of this residential property.

For these reasons, this Petition for Variance should be

Case No. 95-282-A, George B. Gephardt, Jr., et ux

denied, due to a failure to satisfy the required elements of Section 307, and the limitations of Section 415.A.1 of the BCZR.

O R D E R

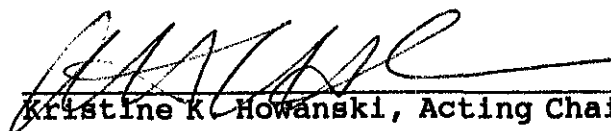
IT IS THEREFORE, this 6th day of October, 1995 by the County Board of Appeals of Baltimore County,

ORDERED that the Petition for Variance to allow three recreational vehicles in lieu of one recreational vehicle to be stored in the rear yard be and is hereby DENIED; and it is further

ORDERED that the property and recreational vehicles permitted be brought into compliance with the zoning regulations as stipulated in Section 415.A.1 and Section 307 within 30 days from the date of this Order.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
Kristine K. Howanski, Acting Chairman

  
Harry E. Buchheister, Jr.

  
Margaret Worrall



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

October 6, 1995

Mr. & Mrs. George B. Gephardt, Jr.  
207 Potomac Avenue  
Baltimore, MD 21237

RE: Case No. 95-282-A  
George B. Gephardt, Jr.

Dear Mr. & Mrs. Gephardt:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

*Charlotte E. Radcliffe for*  
Kathleen C. Weidenhammer  
Administrative Assistant

Enclosure

cc: Mr. Donald L. Biedenback  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
W. Carl Richards, Jr. /PDM  
James H. Thompson, Zoning Supervisor /PDM  
Docket Clerk /PDM  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney



IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
NEC Poplar and Potomac  
Avenues \* ZONING COMMISSIONER  
207 Potomac Avenue  
15th Election District \* OF BALTIMORE COUNTY  
7th Councilmanic District  
George B. Gephardt, Jr., et ux \* Case No. 95-282-A  
Petitioners

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for the property located at 207 Potomac Avenue in the Chesaco Park area of Baltimore County. The Petition is filed by George B. Gephardt, Jr., and Martha E. Gephardt, his wife. Variance relief is requested from Section 415.A.1.a. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow three recreational vehicles (a 12 ft. boat, a motor home and a trailer) in lieu of the one recreational vehicle to be stored in the rear yard. The subject property is more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case was the Petitioner/property owner, George B. Gephardt, Jr. He was represented by Mary E. Gephardt, Esquire. Craig McGraw, Zoning Inspector, from the Office of Zoning Administration and Development Management, Inspection Division, (ZADM) also appeared at the hearing.

Testimony and evidence presented was that the subject property is .4356 acres in area and is zoned D.R.5.5. The property is located at the intersection of Poplar Avenue and Potomac Avenue in the Chesaco Park subdivision. The subject property is actually comprised of four individual lots which were laid out in this old subdivision. These lots (Nos. 315 through 318) are 25 ft. in width and 100 ft. in depth. Thus, the entire property is 100 ft. by 100 ft., or 10,000 sq. ft. in area.

ORDER RECEIVED FOR FILING

Date

By

3/15/95  
M. G. Gephardt

Mr. Gephardt has owned the property and has resided thereon since 1957. He has raised 10 children from the property. Presently, his wife, his youngest son and a granddaughter live on the property. Mr. Gephardt also testified that he is presently retired having ceased employment approximately 15 months ago. Since that time, his wife has suffered a series of medical illnesses and he has dedicated a great amount of time towards her care and convalescence.

Testimony from Craig McGraw is that the site has been the subject of numerous zoning violations in the past. Mr. McGraw also indicated that the case has a recent zoning violation history. It was most recently the subject of a zoning violation case in the District Court of Maryland on March 1, 1995. At that time, the violation case was placed upon the Stet docket, and the Petitioner was required to clean up the property by the date of the hearing before me, March 13, 1995.

Three recreational vehicles are presently stored on the property. These are located on the rear driveway of the site, behind the house and adjacent to Poplar Avenue. One of the recreational vehicles involved is a 12 ft. boat which the Petitioner has owned for over 20 years. The second recreational vehicle is a 30 ft. motor home which replaced a trailer which had been on the site for many years. The third RV is a trailer.

Photographs submitted at the time of the hearing show that the property is very unkept. The obvious conclusion was buttressed by Mr. McGraw's testimony which indicated that the Petitioner had been cited for operating a junk yard, dump, and contractor's equipment storage yard. The property is filled with debris, junk and other building materials. Although not the subject of the case before me, it is clear from the photographs and testimony that the site has been an eyesore to the community and the Peti-

tioner's failure to keep up the property has detrimentally affected the neighborhood and locale.

As to the Petition for Variance same must be adjudged in accordance with Section 307 of the BCZR. Therein, three tests are set forth which the Petitioner must satisfy. First, the Petitioner must demonstrate that a practical difficulty or unreasonable hardship would result if the variance were denied. Secondly, testimony and evidence must be persuasive that the relief, if granted, will not be detrimental to the surrounding locale. Third, the Petitioner must show that a grant of the variance would be consistent with the spirit and intent of the BCZR. The Petitioner has failed to meet these standards.

The concept of practical difficulty has been frequently discussed by the appellate courts of this State. See, e.g., McLean v. Soley, 270 Md. 208 (1973). The practical difficulty which must be shown cannot be of the Petitioner's own making. See Ad+ Soil, Inc. v. County Commissioners, 307 Md. 307 (1986).

In the instant case, there was no testimony persuasive that the Petitioner would suffer a practical difficulty or unreasonable hardship if the relief were denied. Moreover, the condition of the property is such that the maintenance of the three recreational vehicles adds to the cluttered and undesirable appearance of the site. Thus, I am not convinced that a grant of the variance would not be detrimental to the surrounding locale. For these reasons, the Petition should and must be denied.

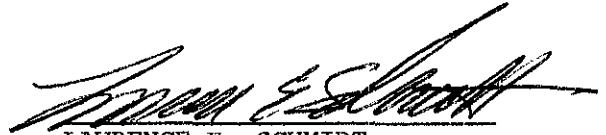
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15<sup>th</sup> day of March, 1995 that a variance from Section



415.A.1.a. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow three recreational vehicles (a 12 ft. boat, a motor home and a trailer) in lieu of the one recreational vehicle to be stored in the rear yard, be and is hereby DENIED.

LES/mmn



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

FILED  
3/15/95  
M. Hood

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

March 14, 1995

Mary E. Gephardt, Esquire  
804 Eastern Boulevard  
Baltimore, Maryland 21221

RE: Case No. 95-282-A  
Petition for Variance  
Location: 207 Potomac Avenue  
George B. Gephardt, Jr., et ux, Petitioners

Dear Ms. Mathews:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn

att.

cc: Mr. and Mrs. George B. Gephardt  
cc: Mr. Craig McGraw, Zoning Inspector





CRITICAL  
AREA

# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 207 Potomac Avenue

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 415A.1.A to allow 3 recreational

vehicles (1, 12' boat, 1 motorhome, and 1 trailer) in lieu of 1 recreational vehicle, to be stored in the rear yard off of Poplar Avenue, on lots 316 and 317, partially behind the house.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The subject property is a corner lot whereon the main residence is situate on one-half of the lot. Strict compliance with the zoning regulations creates a practical difficulty for the storage of recreational vehicles to the rear of the main residence. Subject property is located in an established residential community and the granting of the variance requested would not interfere with the spirit of the regulation and would grant relief to the applicant without substantial injury to the public health safety and general welfare of the community.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

SEE CITATION # 95-80.

WILL NOTIFY THE OFFICE  
PRIOR TO THE HEARING.  
IF OWNER DECIDES  
TO BE REPRESENTED  
BY A LAWYER.

R.T.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

George Bernard Gephardt, Jr.

(Type or Print Name)

George Bernard Gephardt Jr  
Signature

Martha E. Gephardt

(Type or Print Name)

Martha E. Gephardt  
Signature

207 Potomac Avenue 687-6240

Address

Phone No

Baltimore, Maryland 21237

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Signature

Address

Phone No

City

State

Zipcode

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: R.T.

DATE

2-7-95



Printed with Soybean Ink  
on Recycled Paper



ITEM # 276

95-282-A

ZONING DESCRIPTION FOR 207 POTOMAC AVENUE

Beginning at a point on the northeast side of Potomac Avenue which is 40' wide and intersects with Poplar Avenue, running for a distance of 100' southeast, then running 100' southwest, then running 100' northwest and 100' northeast to the place of beginning. Being known and designated as Lot Nos. 315, 316, 317 and 318 as shown on Plan D, Chesaco Park recorded among the Plat Records of Baltimore County in Plat Book JWS No. 6, folio 164, containing .4356 acres, more or less. Also known as 207 Potomac Avenue and located in the 15th Election District, 7th Councilmanic District.

ITEM # 276

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

95-282-A

District 1524

Date of Posting 2/26/95

Posted for: Variance

Petitioner: George + Martha Gopher Lt

Location of property: 207 Potomac Ave, NE/cor Poplar

Location of Signs: Facing roadway, on property being zoned

Remarks: \_\_\_\_\_

Posted by W. Healy  
Signature

Date of return: 3/3/95

Number of Signs: 1



## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-282-A  
(Item 276)  
207 Potomac Avenue  
NEC Poplar and Potomac  
Avenues  
15th Election District  
7th Councilmanic  
Legal Owner(s):

George Barnard  
Gephardt, Jr. and Martha  
E. Gephardt

Hearing: Monday,  
March 13, 1995 at 9:00  
a.m. in Rm. 118, Old  
Courthouse.

Variance to allow 3 recreational vehicles (one 12-foot boat, one motor home, and one trailer) in lieu of 1 recreational vehicle, to be stored in the rear yard off of Poplar Avenue, or lots 316 and 317, partially behind the house.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

VOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

2/28/95 February 23.

# CERTIFICATE OF PUBLICATION

TOWSON, MD.,

2/23, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/23, 1995.

THE JEFFERSONIAN,

*A. Henrichson*

LEGAL AD. - TOWSON

*Publication*

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

N 158621

DATE April 12, 1995 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: MARY E GEPHARDT

FOR: APPEAL -- ~~XXXX~~ 95-282-A

207 Potomac Avenue

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER



*Baltimore County*  
**Zoning Administration &  
Development Management**  
111 West Chesapeake Avenue  
Towson, Maryland 21204

**receipt**  
**95-282-A**

Account: R-001-6150

ITEM Number 276

P.T.

Date 2-7-95

G. B. GERHARDT, JR.,

#207 POTOMAC AVE.

**CRITICAL  
AREA**

010 - VARIANCES --- \$50.00

020 - SIGN --- \$5.00

TOTAL - \$55.00

03-03-95 11:00 AM  
R. C. 027435402-02-95

58% 00

Please Make Checks Payable To: Baltimore County

Cashier Validation



**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

95-782-A

District 15TH

Date of Posting 4/22/95

Posted for: Appeal

Petitioner: George B. Gephardt, Jr.

Location of property: 207 Potomac Ave, NE/c Poplar

Location of Signs: Facing roadway, on property being appealed

Remarks: \_\_\_\_\_

Posted by [Signature]

Signature

Date of return: 4/28/95 ✓

Number of Signs: 1



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 276

Petitioner: George Bernard Gephardt, Jr. & Martha E. Gephardt

Location: 207 Potomac Avenue, Baltimore, Maryland 21237

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mr. & Mrs. George B. Gephardt, Jr.

ADDRESS: 207 Potomac Avenue

Baltimore, Maryland 21237

PHONE NUMBER: 687-6240

AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY  
2/23/895 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. George B. Gephardt, Jr.  
207 Potomac Avenue  
Baltimore MD 21237  
410-687-6240

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-282-A (Item 276)  
207 Potomac Avenue  
NEC Poplar and Potomac Avenues  
15th Election District - 7th Councilmanic  
Legal Owner(s): George Bernard Gephardt, Jr. and Martha E. Gephardt  
HEARING: MONDAY, MARCH 13, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to allow 3 recreational vehicles (one 12-foot boat, one motor home, and one trailer) in lieu of 1 recreational vehicle, to be stored in the rear yard off of Poplar Avenue, on lots 316 and 317, partially behind the house.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

FEBRUARY 16, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-282-A (Item 276)  
207 Potomac Avenue  
NEC Poplar and Potomac Avenues  
15th Election District - 7th Councilmanic  
Legal Owner(s): George Bernard Gephardt, Jr. and Martha E. Gephardt  
HEARING: MONDAY, MARCH 13, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to allow 3 recreational vehicles (one 12-foot boat, one motor home, and one trailer) in lieu of 1 recreational vehicle, to be stored in the rear yard off of Poplar Avenue, on lots 316 and 317, partially behind the house.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large loop at the end.

Arnold Jablon  
Director

cc: George and Martha Gephardt

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

May 30, 1995

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 95-282-A

GEORGE B. GEPHARDT, JR., ET UX -Petitioner  
NEC Poplar and Potomac Avenues  
(207 Potomac Avenue)  
15th Election District  
7th Councilmanic District

VAR -To allow three recreational vehicles (12' boat; motor home; trailer) in lieu of one recreational vehicle to be stored in rear yard.

3/15/95 -Z.C.'s Order in which Petition for Variance is DENIED.

ASSIGNED FOR: THURSDAY, SEPTEMBER 21, 1995 at 10:00 a.m.

cc: Mr. & Mrs. George B. Gephardt, Jr. Appellants/Petitioners

Donald L. Biedenback Protestant

People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
James H. Thompson, Zoning Supervisor /ZADM  
Arnold Jablon, Director /ZADM  
Virginia W. Barnhart, County Attorney

Kathleen C. Weidenhammer  
Administrative Assistant



CASE NO. 95-282-A

NE/c Poplar and Potomac Avenue  
(207 Potomac Avenue)

GEORGE B. GEPHARDT, JR., ET UX - Petitioner

15th District

Appealed: 4/12/95

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

March 8, 1995

Mr. and Mrs. George Gephardt, Jr.  
207 Potomac Avenue  
Baltimore, Maryland 21237

RE: Item No.: 276  
Case No.: 95-282-A  
Petitioner: George Gephardt, et ux

Dear Mr. and Mrs. Gephardt:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 7, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



## BALTIMORE COUNTY, MARYLAND

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilson *JLP/MS*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #276 - Gephardt Property  
207 Potomac Avenue  
Zoning Advisory Committee Meeting of February 21, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Storage of vehicles is not subject to Chesapeake Bay Critical Area regulations. Therefore, Environmental Impact Review has no comments on this zoning item.

JLP:PF:sp


GEPHARDT/DEPRM/TXTSBP



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director   
Office of Planning and Zoning

DATE: February 23, 1995

SUBJECT: 207 Potomac Ave.

INFORMATION:

Item Number: 276  
Petitioner: Gephardt Propert  
Property Size: .43 acre  
Zoning: DR-5.5  
Requested Action: Variance  
Hearing Date:     /    /    

SUMMARY OF RECOMMENDATIONS:

A review of the applicant's statement regarding hardship or practical difficulty reveals that the hardship is personal to the owners of the property, and is not specifically related to the property itself. In fact, the hardship is obviously self created; therefore, the staff recommends that the applicant's request be denied.

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: February 27, 1995  
Zoning Administration and Development Management

FROM: *[Signature]* Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for February 27, 1995  
Items 275, 276, 278, 280 and 282.

The Developers Engineering Section has reviewed  
the subject zoning item and we have no comments.

RWB:sw

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/16/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF FEB.21, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 265, 275, 276, 277,  
278, 279, 280 AND 282.

**RECEIVED**  
FEB 21 1995  
**ZADM**

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation**  
**State Highway Administration**

O. James Lighthizer  
Secretary

Hal Kassoff  
Administrator

2-21-95

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: \$ 276 (RT)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE	*	BEFORE THE
207 Potomac Avenue, NEC Poplar & Potomac	*	ZONING COMMISSIONER
Avenues, 15th Election District, 7th	*	OF BALTIMORE COUNTY
Councilmanic	*	CASE NO. 95-282-A
George B. and Martha E. Gephardt Jr.	*	
Petitioners	*	
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28<sup>th</sup> day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to George B. and Martha E. Gephardt Jr., 207 Potomac Avenue, Baltimore, MD 21237, Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

April 12, 1995

(410) 887-3353

Mr. and Mrs. George Gephardt  
804 East Boulevard  
Baltimore, MD 21221

RE: *Petition for Variance*  
NEC Poplar and Potomac Avenues  
207 Potomac Avenue  
15th Election District  
7th Councilmanic District  
George B. Gephardt, Jr., et ux  
Case No. 95-282-A

Dear Mr. and Mrs. Gephardt:

Please be advised that the appeal of the above-referenced case filed in this office on April 12, 1995 has been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie A. Winiarski at 887-3353.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive.

Arnold Jablon  
Director

AJ:jaw

cc: People's Counsel



April 12, 1995

Mr. Lawrence E. Schmidt  
Zoning Commissioner for Baltimore County  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No. 95-282-A  
Petition for Variance  
Location: 207 Potomac Avenue  
George B. Gephardt, Jr., et ux, Petitioners


Dear Mr. Schmidt:

This letter is formal notice that we are appealing the Findings of Fact and Conclusions of Law rendered in the above entitled case on March 15, 1995. Attached is a check in the amount of \$210.00 to cover the applicable charges for the appeal.

Should you require additional information, please advise.

Very truly yours,

  
George B. Gephardt, Jr.

  
Martha E. Gephardt  
207 Potomac Avenue  
Baltimore, Maryland 21237

Enclosure

cc: William T. Hackett, Chairman  
Board of Appeals

RECEIVED

APR 12 1995

ZADM

# APPEAL

Petition for Variance  
NEC Poplar and Potomac Avenues  
207 Potomac Avenue  
15th Election District  
7th Councilmanic District  
George B. Gephardt, Jr., et ux-Petitioners  
Case No. 95-282-A

Petition for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) Sign-In Sheets

Petitioner's Exhibits: 1. Plat to Accompany Petition for Zoning Variance

Baltimore County's Exhibits: 1. Two Photographs

Baltimore County Citation for Civil Zoning Violation No. 95-86

Zoning Commissioner's Order dated March 15, 1995 (denied)

Notice of Appeal received on April 12, 1995 from George and Martha Gephardt,  
Petitioner

cc: Mr. and Mrs. George B. Gephardt, 207 Potomac Avenue, Baltimore, MD 21237  
People's Counsel of Baltimore county, M.S. 2010

Request Notification: Patrick Keller, Director, Planning and Zoning  
Lawrence E. Schmidt, Zoning Commissioner  
James H. Thompson, Zoning Supervisor  
Arnold Jablon, Director of ZADM



5/30/95 -Notice of Assignment for hearing scheduled for Thursday,  
September 21, 1995 at 10:00 a.m. sent to following:

Mr. & Mrs. George B. Gephardt, Jr.  
Donald L. Biedenback  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
James H. Thompson, Zoning Supervisor /ZADM  
Arnold Jablon, Director /ZADM  
Virginia W. Barnhart, County Attorney

---

9/21/95 -Hearing concluded before Board. At conclusion of same, Board  
publicly deliberated this matter. Unanimous decision of Board that  
Petition for Variance to be DENIED. Written Opinion and Order to  
be issued by Board; appellate period to run from date of that  
written Order and not from today's date.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: George B. Gephardt, Jr., et ux -Petitioner  
Case No. 95-282-A

DATE : September 21, 1995 /at conclusion of hearing

BOARD /PANEL : Kristine K. Howanski (KKH)  
Harry E. Buchheister, Jr. (HEB)  
Margaret Worrall (MW)

SECRETARY : Kathleen C. Weidenhammer  
Administrative Assistant

Those present at this deliberation included Petitioners and Deputy People's Counsel for Baltimore County.

KKH: We are here for the public deliberation of George B. Gephardt, Jr., case for the variance to allow three recreational vehicles in lieu of one recreational vehicle to be stored in the rear yard, pursuant to Zoning Commissioner's order in which the Petition for Variance was denied on March 15, 1995.

The Gephardt's did file the appeal properly and are here on a de novo appeal. The subject lot involved, and it appears to be agreement, that it is a residentially-zoned lot and thus subject to the applicable Baltimore County zoning regulations.

MW: Upon review of the evidence and the exhibits submitted today, it appears to me that the definitions as put forth in Section 101 are very clear, and it is my opinion that all three of the vehicles in question are limited by Section 415A, the purpose of which is to limit recreational vehicles in residential areas. To store more than one, then, a variance is required, and that is the request which comes before us today, and a variance to be granted must meet 307 of the Baltimore County Zoning Regulations. The first test of that section is that the site must be different, unique, odd or have some difference from others in the neighborhood. The owner himself and the County witness have agreed that this property is typical of the neighborhood, although there are some which may be smaller and some larger; it is still typical of the neighborhood.

Therefore, the Petitioner has not met the very first burden that the property be unique, and under the 1995 Court of Special Appeals Cromwell v. Ward, that standard must be met first. However, the other tests have not been met either, in my opinion, in that there is no practical difficulty being shown, nor is there any reason to believe that the granting of

this variance would be in the spirit and intent of the bills which set forth section 415A, and therefore it is my opinion that the variance should be denied.

HEB: All the years that it's been testified that the Gephardt's are good to this site and maintain various vehicles over those years with the primary purpose of obviously doing the best for their family, and it's been mentioned how these recreational vehicles have been used. Regardless, the specific laws that are to be applied to this hearing are irrefutable and indicate to me that the opportunity to have one recreational vehicle on this site, as in any other part of the County, is a good opportunity. And that the other two recreational vehicles are excessive, and I think that, based on my thinking along that line, the variance should be denied.

KKH: I'm going to concur. I agree that Section 101 is very specific in defining recreational vehicles, and that the travel/trailer, boat, and certainly the recreational vehicle are defined and encompassed within the statutory confines, and certainly intended to be subject to 415A.

I was not persuaded by the nonconforming use argument as a practical matter -- it does not apply to parking of recreational vehicles. First we heard of nonconforming use was in closing arguments. No evidence to consider under the circumstances.

Section 307.1 is interpreted by Cromwell v. Ward. Again, I think this is very strict; I don't know that we have to be that strict in this instance to find there is no room for the granting of the variance. Testimony on both sides seemed to be that the property is not unique. Certainly it has a use, and will continue to have use in the future, even if the variance is denied. And there was no disproportionate imposition of the regulation on this site than any other site. This Board member did not hear any evidence to the uniqueness or practical difficulty that must be established to grant a variance. We did hear some testimony about how it would be convenient for him to have vehicles on the lot. I agree that this would be true for his neighbors, my neighbors, and everyone's neighbors. It's not factual evidence that this Board must have to find presence of practical difficulty. I say this with all due respects to how long the Gephardt's have lived at the property, and certainly in appreciation of the nice job they have done in raising their children and so forth. I do not see where we are at liberty in this case with no real evidence to support the granting of a variance. We

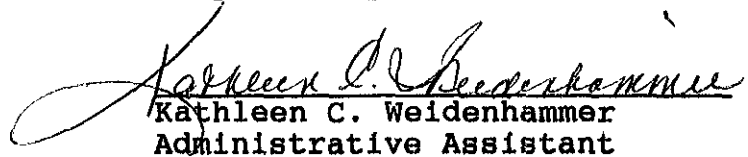
Deliberation /George B. Gephardt, Jr., et ux 95-282-A

appear to be in concurrence with that. I do not want the Gephardt's to believe they are not able to maintain one vehicle. They can select the vehicle, and so long as they are in compliance with the zoning regulations for storage of that vehicle, they may have one vehicle there. And it will be one vehicle. It cannot be two or three.

Closing by Ms. Howanski: We will issue an opinion, and you will have 30 days to file an appeal if you so desire.

\* \* \* \* \*

Respectfully submitted,

  
Kathleen C. Weidenhammer  
Administrative Assistant

NAME OF PERSON(S) CHARGED: GEORGE BERNARD GEPHARDT AND MARTHA E. GEPHARDT, TENANTS BY ENTIRETIES

CURRENT ADDRESS IN FULL: 207 POTOMAC AVENUE BALTIMORE, MARYLAND 21237

OWNER (X) OR OCCUPANT ( ) RELATED CITATIONS :

IT IS FORMALLY CHARGED BY BALTIMORE COUNTY THAT THE ABOVE NAMED PERSON(S) DID VIOLATE THE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS AND/OR THE BALTIMORE COUNTY CODE AS FOLLOWS:

SECTION NUMBER(S) VIOLATED: 101 "JUNK YARD", "RECREATIONAL VEHICLE", "CONTRACTOR'S EQUIPMENT STORAGE YARD"; 102.1; 1B01.1A AND 415A

NATURE OF VIOLATION: USE OF PROPERTY ZONED D.R.5.5 TO COMMIT THE FOLLOWING:

1. STORAGE OF MORE THAN ONE RECREATIONAL VEHICLE
2. IMPROPER STORAGE OF A RECREATIONAL VEHICLE
3. OPERATION OF A CONTRACTOR'S EQUIPMENT STORAGE YARD
4. OPERATION OF A JUNK YARD

LOCATION AND DATE(S) OF VIOLATION: 207 POTOMAC AVENUE BALTIMORE, MARYLAND 21237  
JULY 7, 1994 AND SEPTEMBER 28, 1994

TO RESPOND TO THE ABOVE CHARGE(S) LODGED AGAINST YOU, YOU MUST CHOOSE ONE OF THE OPTIONS BELOW:

1) YOU MAY PAY A FINE OF \$1600 (\$800 FOR EACH ADDITIONAL DAY) BY CHECK OR MONEY ORDER PAYABLE TO THE DIRECTOR OF FINANCE, BALTIMORE COUNTY, MARYLAND, BY RETURNING A COPY OF THIS FORM ALONG WITH PAYMENT TO: DIRECTOR OF FINANCE, 1ST FLOOR, COURT HOUSE, TOWSON, MD 21204. THE PENALTY MUST BE PAID ON OR BEFORE THE 23RD DAY OF OCTOBER, 1994.

2). YOU MAY ELECT TO STAND TRIAL IN THE DISTRICT COURT OF MARYLAND. TO DO THIS, YOU MUST NOTIFY THE BALTIMORE COUNTY OFFICE OF ZONING ADMINISTRATION BY FILLING IN THE ATTACHED PORTION OF THIS CITATION AND RETURNING IT TO THE ZONING ADMINISTRATION OFFICE AT LEAST FIVE (5) DAYS BEFORE THE PAYMENT DUE DATE AS SET FORTH IN THE FINE PAYMENT SECTION ABOVE. THE DISTRICT COURT WILL NOTIFY YOU OF THE DATE AND TIME OF TRIAL.

IF THE FINE REMAINS UNPAID AT THE EXPIRATION OF THE THIRTY-FIVE (35) DAYS FROM THE DATE OF THE CITATION, THE ZONING ADMINISTRATOR MAY REQUEST ADJUDICATION OF THE CASE IN DISTRICT COURT, AT WHICH TIME THE PERSON IS LIABLE FOR AN ADDITIONAL FINE NOT TO EXCEED TWICE THE ORIGINAL FINE. IF YOU FAIL TO APPEAR AT THE TRIAL, A BENCH WARRANT WILL BE ISSUED FOR YOUR ARREST.

I DO SOLEMNLY AFFIRM THAT THE CONTENTS STATED ABOVE ARE CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DATE

Craig McGraw  
OFFICE OF ZONING ADMINISTRATION REPRESENTATIVE

BASED ON THE STATEMENT OF CRAIG MCGRAW, THIS CITATION IS HEREBY ISSUED THIS 3RD DAY OF OCTOBER, 1994.

[Signature]  
DIRECTOR OF ZONING ADMINISTRATION

ACKNOWLEDGEMENT

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS CITATION AND HEREBY PROMISE TO PAY THE FINE OR REQUEST A TRIAL DATE AS REQUIRED BY LAW. I UNDERSTAND THAT THE ACCEPTANCE OF THIS CITATION IS NOT AN ADMISSION OF GUILT.

DATE

SIGNATURE

10-16-94  
George B Gephardt Jr  
ITEM # 276

April 30, 1995

Chairman of Board of Appeals  
Baltimore County Government  
400 Washington Ave., Room 49  
Towson, Md. 21204

Dear Mr. Chairman,

I am writing in concern for a Zoning Appeal, case no. 95-282-F1 for the property located at 207 Potomac Ave. (Gephart) Balto. Co. Md. 21237.

I presently own two properties on this street located directly across the street at 206 Potomac and also at 200 Potomac Ave. I am concerned that the Gepharts will be granted permission to continue their property in the mess that it is presently in. They continue to park RV vehicles in and around, not only their property but for the past several years they have parked a boat on the street in front of my property at 206 Potomac.

I wish to make it known to the County that I pay twice the property taxes then the Gepharts on this street and I do not agree that they be allowed to continue storing and cluttering their property, I feel, as a tax payer that it is time for the County to step in and act on this situation.

It is my understanding that you presently have pictures of this property so I am sure you can see that 207 Potomac is in violation of county regulations.

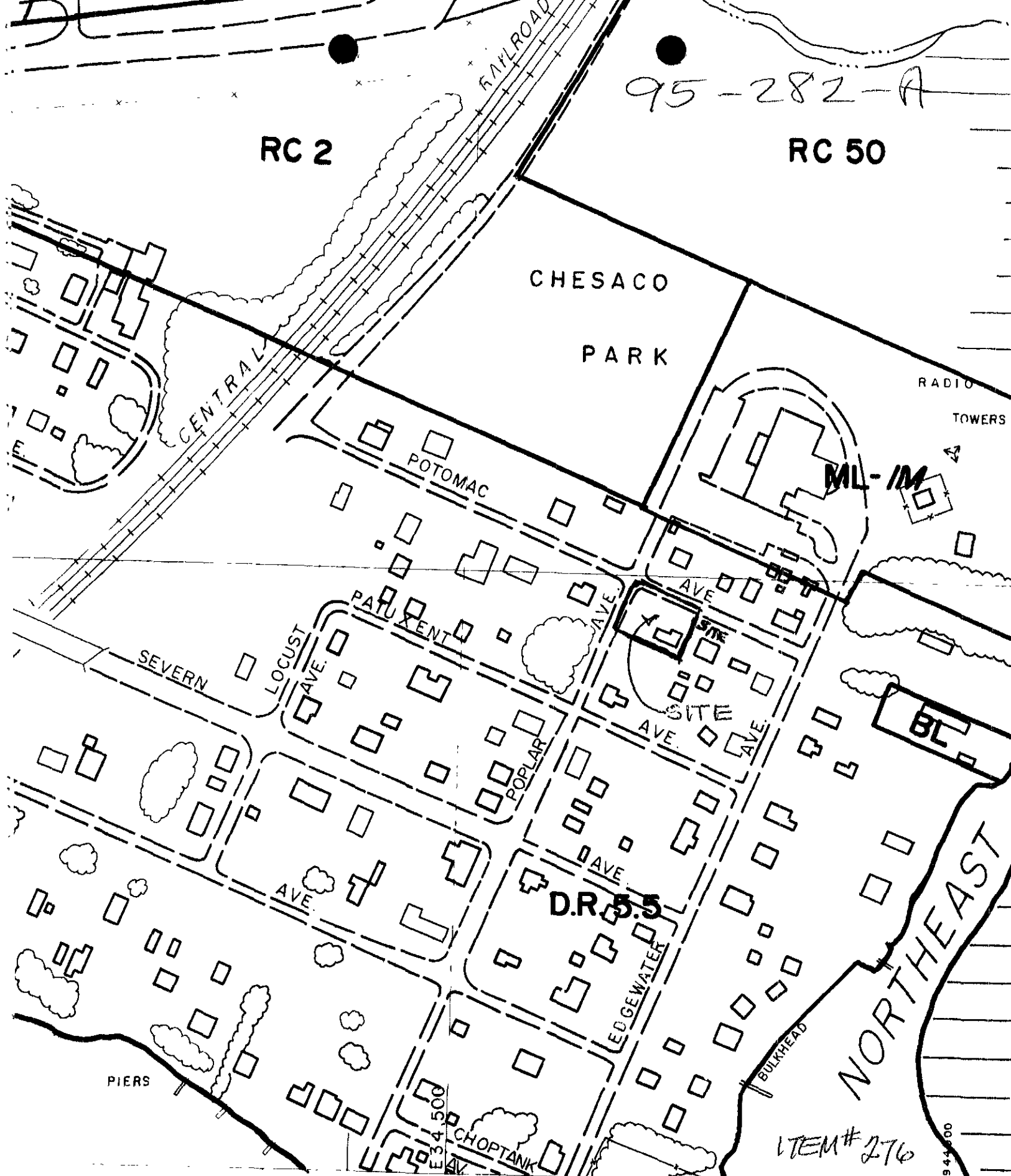
*D. L. Biedenback*  
Donald L. Biedenback  
200 Potomac Ave.  
Balto., Md. 21237  
410-682-6867

95 MAY -3 PM 12:05

**PETITIONER(S) SIGN-IN SHEET**

**ADDRESS**

MARY E. GEPHARDT 809 EASTERN BLVD #21221  
GEORGE B. GEPHARDT 207 POTOMAC AVE #21237



**1992 COMPREHENSIVE ZONING MAP**  
Adopted by the Baltimore County Council  
Oct. 15, 1992

Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

SCALE

1" = 200' ±

DATE

LOCAT

NE 2-F

CHESACO

ING



# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

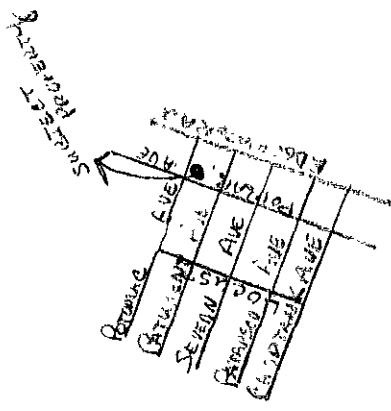
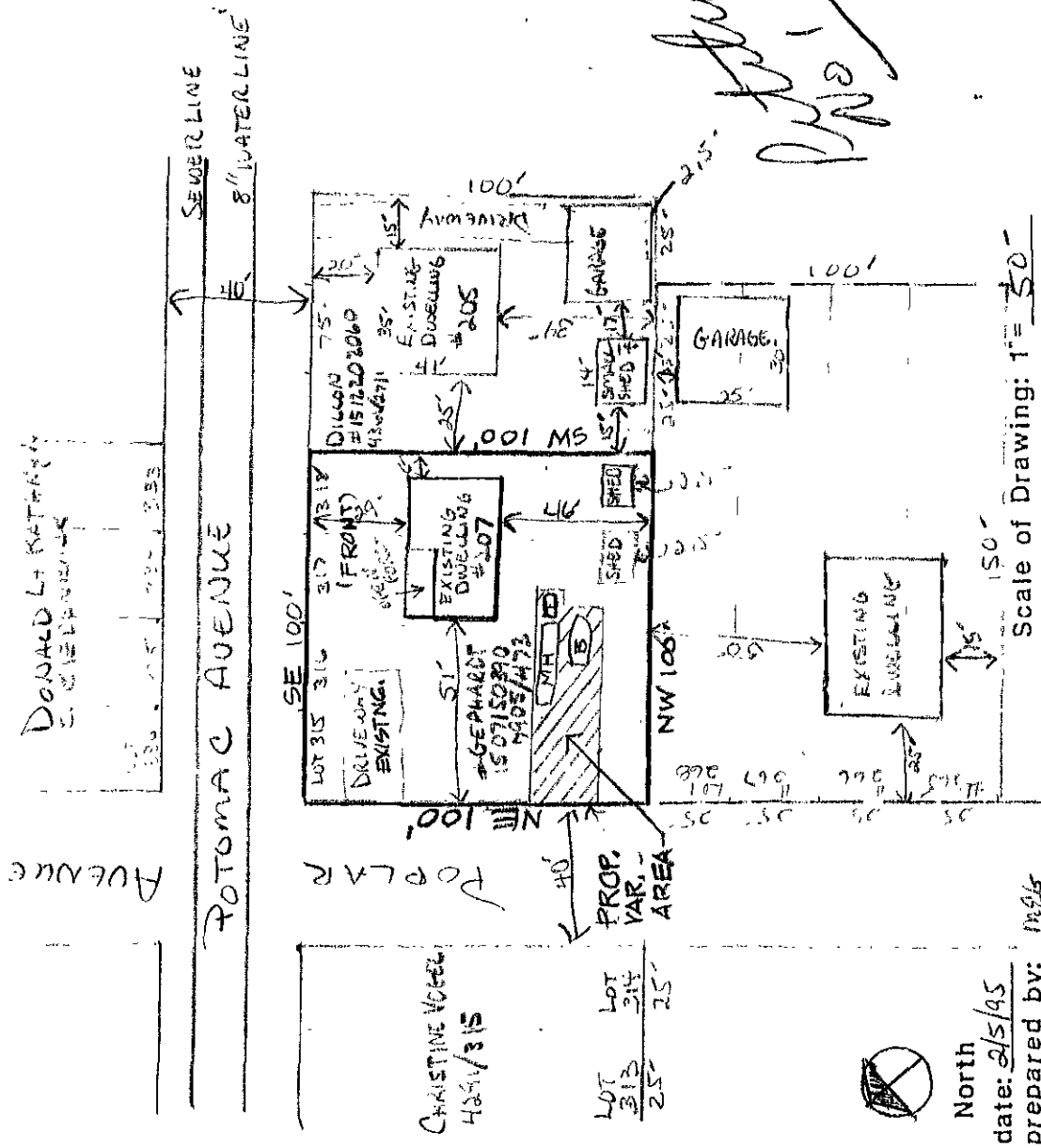
PROPERTY ADDRESS: 207 ROTOMAC AVENUE

Subdivision name: CHESAPEAKE PARK

plat book # 60, folio # 164, lot # 313, section # D

95-282-A

OWNER: GEORGE BERNARD & MARION J. GERARD



## LOCATION INFORMATION

Election District: 15th  
 Councilmanic District: 7th  
 1"=200' scale map #: NE-24  
 Zoning: DR 5.5  
 Lot size: 4356 acreage 10,000 square feet

public private  
 SEWER: ☒ ☐  
 WATER: ☒ ☐  
 Chesapeake Bay Critical Area: ☒ ☐  
 Prior Zoning Hearings: NONE

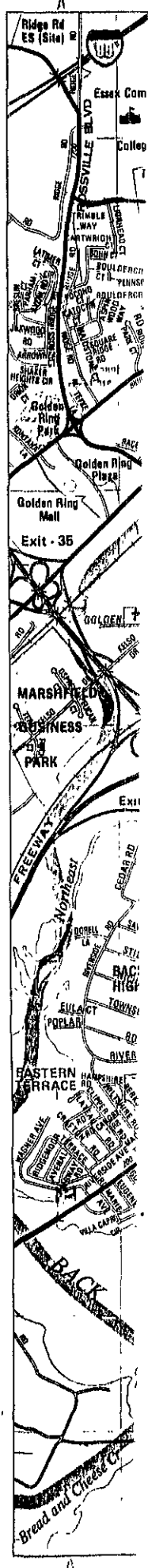
## Zoning Office USE ONLY!

reviewed by: R.T. ITEM #: 276 CASE#:

North  
 date: 2/5/95  
 prepared by: mgb

Scale of Drawing: 1"=50'

City of Norfolk # 2 - CBA



PC  
County Exhibit # 5

Baltimore County Government  
Planning Board



401 Bosley Avenue  
Towson, MD 21204

PCF  
(410) 887-3211  
Fax (410) 887-5862

October 16, 1992

The Honorable William A. Howard, IV  
Chairman, Baltimore County Council  
Court House  
Towson, MD 21204

Dear Councilman Howard:

Enclosed is a Final Report of the Baltimore County Planning Board, adopted October 15, 1992, which I am submitting to you in accordance with Section 26-123(c) of the Baltimore County Code, 1988.

The report is in response to County Council Resolution 80-91. The Planning Board recommends that the Zoning Regulations be amended by limiting the number of boats at private piers to four. Residentially used lots with more than four boats would be considered marinas, requiring a special exception in D.R. zones.

Sincerely,

*David Fields*

P. David Fields, Secretary  
Baltimore County Planning Board

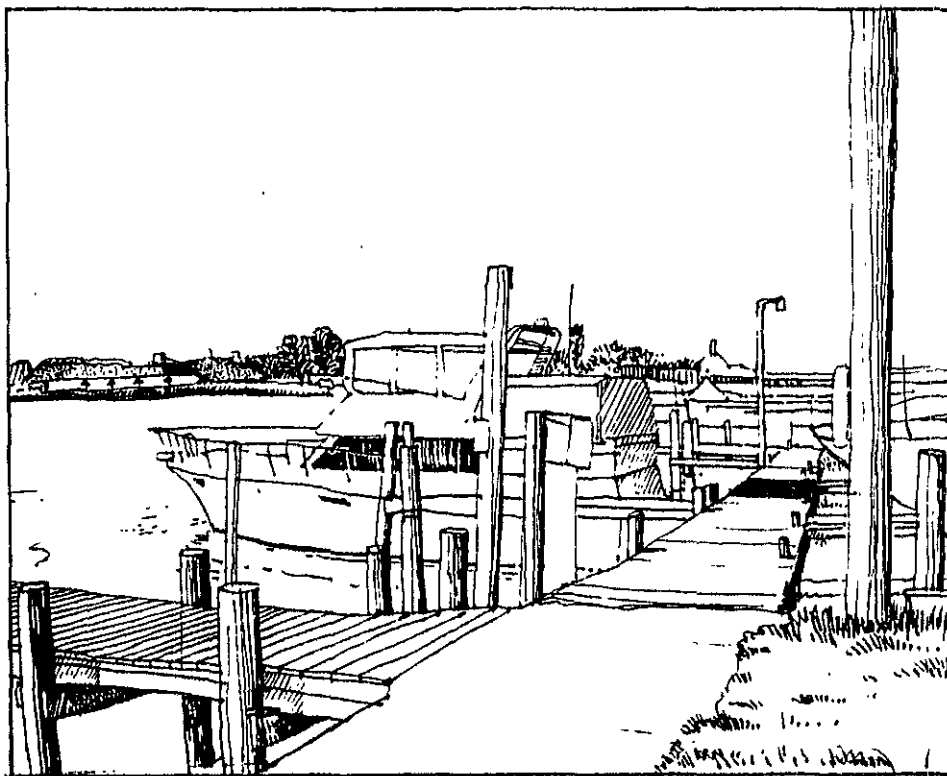
PDF/HSR/mjm  
PIERS.RPT/TXTMJM

Enclosures

cc: The Honorable Roger B. Hayden, County Executive  
Members, Baltimore County Council  
Merreen E. Kelly, Administrative Officer  
Thomas Peddicord, Legislative Counsel/Secretary  
Lawrence Schmidt, Zoning Commissioner  
H. Emslie Parks, County Attorney  
Harold G. Reid, Chairman of the Planning Board  
Louis Waidner, Executive Assistant  
Patrick Roddy, Director, Legislative Relations  
Arnold Jablon, Director, ZADM  
Phyllis Cole Friedman, People's Counsel



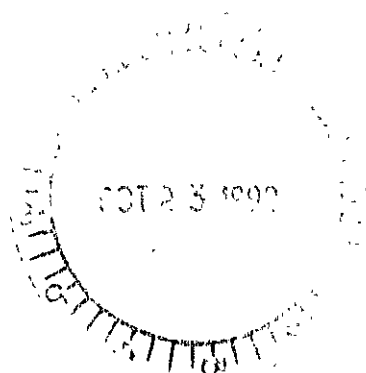
Proposed Amendments To  
The Baltimore County  
Zoning Regulations  
Regarding



**RESIDENTIAL PIERS**

A Final Report Of  
The Baltimore County  
Planning Board

October 15, 1992



Staff Report Introduced July 6, 1992  
Public Hearing September 10, 1992  
Addenda September 30 and October 14, 1992

PROPOSED AMENDMENTS TO THE  
BALTIMORE COUNTY ZONING REGULATION  
REGARDING THE NUMBER OF BOATS KEPT AT RESIDENTIAL  
PIERS AND LOTS

---

A Final Report of the  
Baltimore County Planning Board  
Adopted October 15, 1992

PROJECT DESCRIPTION

Resolution 80-91 (Attachment 1) requests the Planning Board to consider amendments to the Zoning Regulations that would limit the number of boats that could be kept on residential piers and lots.

BACKGROUND

With a 173 mile long waterfront providing ready access to the Chesapeake Bay, boating has long been a popular activity in Baltimore County. Over the past three decades, however, recreational boating has undergone significant change. Boats, once the prerequisite of a privileged few, were made available to the mass market. In 1965, 77,368 boats were registered in Maryland ("Recreational Boating on the Tidal Waters of Maryland", page 3). By 1991 that figure had risen to 180,508 boats (Department of Natural Resources).

The proliferation of privately owned vessels has left its mark on the land use patterns of water front communities. To accommodate consumer demand for boat storage facilities, some commercial boatyards and marinas have expanded their operations. Nevertheless, a significant number of boat owners keep their vessels at privately owned piers and lots (informally known as "bootleg" marinas). The rationale for that choice appears to be primarily pecuniary. The renting of slips at licensed marinas and boatyards is more expensive than renting a slip at a "bootleg" marina (depending on the size of the boat, a slip at a boatyard or a marina costs between \$900-\$2,500 a year, while slips at private piers rent for \$600-\$700).

"Bootleg" marinas are not regulated and frequently have a negative impact on the surrounding community. Recreational boating is a group activity, that is, boaters tend to arrive in separate cars. Since unlicensed marinas rarely provide adequate off-street parking, neighboring property owners often complain about the loss of parking

spaces. A related problem is that people in groups tend to be noisy, especially after the consumption of alcohol. Boating activities are most intense during weekends and disruptions occur at times when many residents look forward to a relaxed atmosphere of peace and quiet. Also, "bootleg" marinas are not equipped with proper fuel facilities and do not offer devices for the pumping of "heads" (facility that holds human waste on a boat). Both practices are hazardous to the Chesapeake Bay.

In contrast, commercial marinas and boatyards control many of the adverse impacts of boating related uses on residential properties. Commercial operations must provide off-street parking spaces that correspond to the number of slips in a two boat slips to one parking space ratio and nearby property owners are less likely to lose off-street parking spaces to visiting boaters. Other requirements mandate that fire extinguishers be provided for every 50 feet of dock length which decreases the chance of fire spreading to neighboring properties. Boatyard and marina owners who expand or build a new facility have to submit a Water Dependent Facility Plan, a set of stringent provisions designed to protect the Chesapeake Bay. Marina owners are also required to educate boaters about environmentally responsible behavior and information concerning such action is included in every slip rental contract. A related issue is that boatyard and marina owners pay taxes on slips rented and thereby contribute to County revenues.

## DISCUSSION

The Baltimore County Zoning Regulations provide two definitions for marina operations. Section 101 defines a marina as:

Marina: A modern boat basin, restricted to recreational marine craft of all types, with facilities for one or more of the following: berthing, launching, and securing such craft, and permitting incidental minimum provision for refueling and emergency servicing, and also land (out-of-water) storage as provided in subsection 417.7 (Bill No. 67, 1963)

for purpose of the Critical Area protection program, Section 101A defines it as:

any facility on tidal waters for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other noncommercial boat docking and storage facilities. Any other definition referring to boatyards, boat basins, etc., shall not be applicable. (Bill No. 32, 1988)

While commercial operations are defined and regulated, Baltimore County has no zoning regulations limiting the number of boats at private residential piers. As a consequence, zoning violations must be addressed with the aid of regulations that were not designed for that purpose. In the case of the definition in Section 101, the Zoning Office must prove that a small private pier is a "modern boat basin" which requires a judge to review the use against the definition.

Since few private piers provide launching and fueling facilities, "bootleg" marinas do not fit the definition and cases are frequently dismissed in court. Utilizing the second definition requires proof that a "bootleg" marina is a commercial operation and that money or services in-kind have been received in exchange for slip rental. Judges consistently find that operations involved in barter, or the exchange of services, do not qualify as commercial operations.

The Army Corps of Engineers permits one pier or a maximum of eight mooring piles at residential waterfront lots and limits the number of boats that can be moored on such a pier to four. However, the Army Corps is not staffed to enforce the policy in Maryland. Two communities with waterfront have adopted their own laws. Anne Arundel County limits the number of boats that may be stored at a private pier to four, Queen Anne's County limits the number to two, but two additional slips may be allowed by special exception.

Resolution of the problem in Baltimore County could be achieved by limiting the number of vessels that may be kept at a residential pier and lot. Planning Board recommends incorporating boats into the definition of recreational vehicles. In addition to the one "recreational vehicle" permitted on a residential lot, up to four boats could be kept at a residential pier. Classifying a boat as a recreational vehicle has the advantage that the Zoning Regulations already provide a set of provisions that govern the keeping of recreational vehicles on private properties (Section 415A). In the case of boats, "private property" would apply to land as well as water. Since some "bootleg" marinas provide dry (on land) and wet (in water) storage, the regulation would be able to limit the number of boats moored in the water as well as those kept on land.

#### COMMENTS AFTER SEPTEMBER 10, 1992 PUBLIC HEARING

After the public hearing, it was decided that a new type of watercraft, "jet-propelled skis," would not be considered recreational vehicles. It was also recommended that waterfront residents be able to store up to two boats on their lots during the off-season. The Planning Board also decided to clarify the term "residential waterfront lot" as a residentially used or vacant residentially zoned lot.

## RECOMMENDATIONS

The Baltimore County Zoning Regulations, 1955, as amended, should be further amended. [Brackets] indicates text to be deleted and Bold indicates text to be added:

1. In Section 101 -- Definitions, amend the definition of Recreational Vehicle:

### Recreational Vehicle and Boat

A vehicular type unit which is primarily designed for recreation, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, which **except for a boat kept in the water**, is not more than 35 feet in length, and which, in general, is of such size and weight as not to require special highway movement permits when driven, or drawn by a passenger automobile or pick-up truck. The following shall be considered recreational vehicles:

Motorhome: A vehicular unit built on a self-propelled motor vehicle chassis.

Travel trailer: A vehicular portable unit mounted on wheels, designed to be towed by a passenger automobile or pick-up truck.

Fifth wheel trailer: A vehicular portable unit mounted on wheels, designed and constructed to be towed by a passenger automobile or pick-up truck fitted with a fifth-wheel hitch.

Truck camper: A portable unit designed to be loaded onto, or affixed to, the bed or chassis of a truck or auto-mobile.

Camping trailer: A vehicular portable unit mounted on wheels and constructed with collapsible side walls which fold down for towing by another vehicle and unfold at campsite to provide temporary living quarters.

**{Trailer}** Boat: A recreational boat **{and}** with or without a trailer. If in combination with a trailer, a boat is normally towed by a vehicle.

2. In Section 101, add a new definition, Jet-Propelled Skis:

Jet-Propelled Skis: A type of watercraft which consists of self-propelled water skis designed to accommodate one or two riders. For the purposes of these Regulations, jet-propelled skis shall not be considered boats or recreational vehicles.



3. In Section 415A (Recreational vehicles) add a new paragraph 415A.2. and renumber the following paragraphs as indicated:

Section 415A--RECREATIONAL VEHICLES AND BOATS [Bill No. 29, 1974.]

- 415A.1 Contrary provisions of these regulations notwithstanding, one recreational vehicle may be stored on a residential lot as set forth below. Such vehicle, except a truck camper, shall have a current license, may not be lived in, or otherwise occupied, when stored on a lot and shall be mechanically ready to be moved at any time. A recreational boat, whether mounted on a trailer or stored on land without the use of supports, is subject to these provisions. A boat less than 16 feet in length is not subject to these provisions, except when such boat is mounted on a trailer. The space occupied by such a recreational vehicle may be counted as a required parking space.
- a. On a lot occupied by a single-family detached or semi-detached dwelling, one such vehicle may be stored 2 ½ feet from any rear or side lot line; however, when in a side yard it must be situated at least 8 feet to the rear of a lateral projection of the front foundation line of the dwelling. Such vehicle may be stored in any garage.
  - b. On the lot of any individually owned row or group house, one such vehicle may be stored, provided it is situated entirely in the rear yard, 2 ½ feet from the side or rear lot lines.
  - c. Such vehicles may be stored on a specially designed parking area of any multi-family rental or condominium unit. Such areas must be screened from adjacent off-site residential uses, as required by the Zoning Commissioner.
- 415A.2. A residentially used or vacant residentially zoned waterfront lot shall have no more than one pier (whether fixed or floating). Within six months of {date of passage of bill} no more than four boats, not including those smaller than 16 feet, shall be stored at a pier, slip, buoy or any other mooring device in the water at {a residential} such a lot. One boat or other recreational vehicle stored on land shall not be counted towards the four boats permitted in the water.

#### 415.A.3 Exceptions

- a. During the winter months (November through March), out-of-water storage for one additional boat (nontrailerred) shall be permitted subject to the criteria of 415.A.1 (a) or (b).
- b. Where the requirements set forth herein for the storage of recreational vehicles would create an undue hardship, the Zoning Commissioner may approve a modified storage plan upon petition and public hearing thereon according to the procedure defined in Title 26 - Section 26-127(6), except that if no hearing is requested, the modified plan may be approved, by the director of Zoning Administration and Development Management, subject to appeal to the Baltimore County Board of Appeals.

RESOLUTION NO. 80-91

---

MR. VINCENT J. GARDINA, COUNCILMAN

---

BY THE COUNTY COUNCIL, NOVEMBER 4, 1991

---

A RESOLUTION of the Baltimore County Council to request the Planning Board to consider proposing amendments to the Baltimore County Zoning Regulations in order to limit the number of slips for boats on private residential piers.

WHEREAS, the Baltimore County Planning Board from time to time considers certain revisions to the Baltimore County Zoning Regulations; and

WHEREAS, Baltimore County is a prime location for boating because of its 173 miles of tidal waters and easy access to I-95 and I-695; and

WHEREAS, the major river tributaries providing access to the bay are bordered by established residential communities; and

WHEREAS, the demand for spaces to dock boats has led some waterfront homeowners to rent slips on private piers intended for the use of residents of the property; and

WHEREAS, the excessive use of private piers by boat owners who do not live on the property may change the character of residential areas due to increased automobile traffic, parking and noise; and

WHEREAS, such use of private residential piers can adversely affect the environmental quality of the bay due to lack of control by the State and County agencies which regulate marinas but not private residential piers.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Baltimore County Planning Board be and it is hereby requested to consider proposing amendments to the Baltimore County Zoning Regulations which would provide for regulation of the number of slips provided at private residential piers to protect the stability of established communities and to further the protection of the quality of the Chesapeake Bay.



Baltimore County Government  
Office of Planning and Zoning  
Towson, MD 21204  
887-3211

PC  
County Exhibit #6

# County Council of Baltimore County Maryland

Legislative Session 1974, Legislative Day No. 5

BILL NO. 29-74

---

Mr. Wallace A. Williams, Councilman

---

By the County Council, April 1, 1974.

---

A BILL

ENTITLED

AN ACT to amend the Baltimore County Zoning Regulations to exempt recreational vehicles from the definition "trailer (or mobile home)", to add the definition of "recreational vehicle" to said regulations and to restrict the storage of same, by adding certain new definitions to said regulations under Section 101 thereof, by adding a sentence to the definition of "trailer (or mobile home)" under said section and by adding new Section 415A to said regulations.

SECTION 1. *Be it enacted by the County Council of Baltimore County, Maryland*, that Section 101 of the Baltimore County Zoning Regulations, be and it is hereby amended by adding the following definition, immediately after the definition of "principal use", to read as follows:

**Recreational vehicle:** A vehicular type unit which is primarily designed for recreation, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, which is not more than 35 feet in length, and which, in general, is of such size and weight as not to require special highway movement permits when driven, or drawn by a passenger automobile or pick-up truck. The following shall be considered recreational vehicles:

**Motorhome:** A vehicular unit built on a self-propelled motor vehicle chassis.

*Travel Trailer:* A vehicular portable unit mounted on wheels, designed to be towed by a passenger automobile or pick-up truck.

*Fifth wheel trailer:* A vehicular portable unit mounted on wheels, designed and constructed to be towed by a passenger automobile or pick-up truck fitted with a fifth-wheel hitch.

*Truck camper:* A portable unit designed to be loaded onto, or affixed to, the bed or chassis of a truck or automobile.

*Camping Trailer:* A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold down for towing by another vehicle and unfold at campsite to provide temporary living quarters.

*Trailered boat:* A recreational boat and trailer in combination normally towed by a vehicle.

SECTION 2. *And be it further enacted*, that the following sentence be and it is hereby added to the definition of "trailer (or mobile home)" under Section 101 of said regulations:

Recreational vehicles, as defined herein, are excepted from this definition.

SECTION 3. *And be it further enacted*, that new Section 415A be and it is hereby added to said regulations, to read as follows:

#### Section 415A-RECREATIONAL VEHICLES

Contrary provisions of these regulations notwithstanding, one recreational vehicle may be stored on a residential lot as set forth below. Such vehicle, except a truck camper, shall have a current license, may not be lived in, or otherwise occupied, when stored on a lot and shall be mechanically ready to be moved at any time. The space occupied by such a vehicle may be counted as a required parking space.

415A1 On a lot occupied by a single-family detached or semi-detached dwelling, one such vehicle may be stored 2½ feet from any rear or side lot line; however, when in a side yard it must be situated at least 8 feet to the rear of a lateral projection of the front foundation line of the dwelling. Such vehicle may be stored in any garage.

415A2 On the lot of any individually owned row or group house, one such vehicle may be stored, provided it is situated entirely in the rear yard, 2½ feet from the side or rear lot lines.

415A3 Such vehicles may be stored on a specially designed parking area of any multi-family rental or condominium. Such

areas must be screened from adjacent off-site residential users, as required by the Zoning Commissioner.

415A4 Exceptions. Where the requirements set forth herein for the storage of recreational vehicles would create an undue hardship, the Zoning Commissioner may approve a modified storage plan upon petition and public hearing thereon.

SECTION 4. *And be it further enacted*, that this Act shall take effect forty-five days after its enactment.

READ AND PASSED this 6th day of May, 1974.

By Order

Herbert E. Hohenberger, Secretary

PRESENTED to the County Executive, for his approval this 7th day of May, 1974.

Herbert E. Hohenberger, Secretary

APPROVED AND ENACTED: May 10, 1974.

Frederick L. Dewberry,

County Executive

I HEREBY CERTIFY THAT BILL NO. 29 IS TRUE AND CORRECT AND WILL TAKE EFFECT ON JUNE 24, 1974.

Harry J. Bartenfelder,

Chairman, County Council

EXPLANATION: *Italics indicate new matter added to existing law.*

**[Brackets]** indicate matter stricken from existing law.

CAPITALS indicate amendments to bill.

~~Strike out~~ indicates matter stricken out of bill.

IN THE MATTER OF  
THE APPLICATION OF  
STEPHEN R. MALLOY  
FOR VARIANCES ON PROPERTY  
LOCATED ON THE SOUTHEAST  
CORNER OF EASTERN AVENUE  
AND 47TH STREET  
(7103 EASTERN AVENUE)  
12TH ELECTION DISTRICT  
7TH COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 94-76-A

*PC  
Carry Exhibit # 7*

\* \* \* \* \*

### OPINION

This matter comes to the Board on appeal from a decision of the Zoning Commissioner dated October 7, 1993, denying the requested variances to permit a commercial vehicle in excess of 10,000 pounds to be parked on a residential lot, and to permit a garage height of 20 feet in lieu of 15 feet. The Appellant was not represented by counsel. The Protestants were represented by Carole Demilio, People's Counsel for Baltimore County.

According to testimony and evidence presented in the case, the Appellant, Stephen R. Malloy, is a self-employed hauler who has lived at the subject property for two years. The property, which consists of a detached home on .22 acres of land, is located in the residential subdivision of Graceland and is zoned DR 5.5. The Appellant owns a dump truck that is 24 feet long and 10 feet high; it weighs 21,000 pounds unloaded and 42,000 pounds loaded. He hauls for Genstar and other contractors, generally leaving home early in the morning and returning early in the evening. On occasion he plows for the State Highway Administration, in which case he might work some nights and weekends. He usually parks the truck in his driveway, but sometimes parks it in the street.

The Appellant testified that he asked for the variance to allow him to park the truck on his property because he has no place else to park it. He testified that he didn't even want a garage, but he asked for the height variance to build one because neighbors have complained that the truck was an eyesore.

Mr. Malloy testified that he must plug in the truck and run it for 15 minutes to start it in cold weather, and then he is gone all day, while other trucks run up and down Eastern Avenue all day long. He submitted as evidence photos of numerous businesses in the neighborhood (Appellant's Exhibits 3-A through 3-K).



Under cross-examination he conceded that although his property fronts on Eastern Avenue, he must use an access road to get to his property, and he admitted to using roads in the area other than Eastern Avenue. He further testified that he has washed the truck on the subject property on occasion, but stopped doing so when a neighbor complained.

Roxanne Mitchell, who lives at the same address, testified that Mr. Malloy usually arrives home from work after the neighborhood children are home from school, and therefore his truck does not pose a danger in that respect. She testified that he has no other employees and that she never drives the dump truck.

The first witness for the Protestants was Richard Sause, who lives at 538 South 48th Street, a block from the subject property. Mr. Sause, a licensed residential and commercial appraiser, was accepted as an expert witness in real estate appraisal. Mr. Sause testified that the presence of the dump truck had a negative impact on the appearance and property values of the neighborhood.

Nancy Novak testified on behalf of the Graceland Park Improvement Association, of which she is president, stating that the neighborhood is an old, fairly stable residential area consisting primarily of single-family dwellings. She testified that access to the residential area streets is denied to trucks over three-quarters of a ton, and that in her opinion, the safety of the residents is compromised by the dump truck, which must make a sharp left-hand turn to get onto the access road from Eastern Avenue. She further testified that the neighborhood businesses referred to by the Appellant are grandfathered in and that the improvement association has fought long and hard to deny any additional variances. She objected to the construction of a 20-foot-high garage, saying that a garage that large would look like another home.

Maxine Geize, who has lived at 7111 Eastern Avenue for 47 years, testified that on one occasion, when the Appellant was changing a tire on the truck, the tire blew up, making a tremendous noise. She testified that when she was in the house next door to the subject property, the house vibrated when the truck was running its engine. She further testified that if a 20-foot-high garage were built on the Appellant's property, it would take away her view of the harbor.

Joseph Lamb, who resides three houses from the subject property, testified that his and his wife's sleep are interrupted by the noise of the truck.

The Appellant seeks relief from Section 431 of the Baltimore County Zoning Regulations (B.C.Z.R.), which prohibits parking of commercial vehicles exceeding 10,000 pounds in vehicle weight on residential property, and from Section 400.2 of the B.C.Z.R., which limits garages on residential properties to a height of 15 feet.

Section 307.1 of the B.C.Z.R. states that a variance may be granted only in cases where special circumstances exist that are peculiar to the land or structure that is the subject of the variance request and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship; further, such a variance may be granted only if in strict harmony with the spirit and intent of the subject regulations and only if it does not do injury to the public health, safety and general welfare.

The Appellant stressed as a practical difficulty that he had been unable to find any other place to store his truck, which he needs to make a living. However, he presented no evidence to show that any special circumstances or conditions exist that are peculiar to the land or structure of the subject property and that would justify the granting of the requested variances.

Further, the Board finds that the requested variances would violate the spirit and intent of the cited regulations, which are aimed at preserving the character and quality of residential neighborhoods. The Board also finds that granting the variances would compromise the safety of the neighborhood, because the daily operation of the dump truck from the subject property poses a potential safety hazard to residents.

Regarding the request to build a garage 20 feet high in lieu of 15 feet, Section 101 of the B.C.Z.R. defines an accessory structure as one relating to the principal use of the property. The Board finds that a garage built of a size to store a commercial truck is not a proper accessory use for a residence.

For all these reasons, the Board will deny the Appellant's Petition for Variance.

### ORDER

IT IS THEREFORE this 14th day of March, 1994, by the County Board of Appeals of Baltimore County

**ORDERED** that the Petition for Variance to permit a commercial vehicle in excess of 10,000 pounds to be parked on a residential lot be and is hereby **DENIED**; and it is further

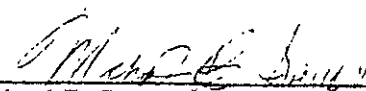
**ORDERED** that the Petition for Variance to permit a garage height of 20 feet in lieu of the required fifteen feet be and is hereby **DENIED**; and it is further

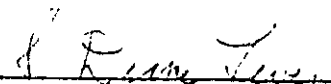
**ORDERED** that the Petitioner shall cease and desist the parking/storage of his truck and any vehicle in excess of 10,000 pounds on the subject property within 30 days from the date of this Opinion.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
\_\_\_\_\_  
William T. Hackett, Chairman

  
\_\_\_\_\_  
Michael B. Sauer

  
\_\_\_\_\_  
S. Diane Levero

PO  
County Exhibit #4

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 8

BILL NO. 54-93

---

MR. VINCENT J. GARDINA, COUNCILMAN

---

BY THE COUNTY COUNCIL, APRIL 19, 1993

---

A BILL

ENTITLED

AN ACT concerning

Residential Piers

FOR the purpose of limiting the number of boats that can be kept at  
residential piers and lots; defining terms; including boats in  
the provisions for recreational vehicles; providing for certain  
exceptions; and generally relating to residential piers.

BY adding

Section 101, the definition of "Jet-Propelled Skis"

Baltimore County Zoning Regulations, as amended

BY repealing and reenacting, with amendments

Section 101, the definition of "Recreational Vehicle" and

Section 415A

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final  
report dated October 15, 1992, from the Planning Board, concerning the  
subject legislation and held a public hearing thereon on December 1,  
1992, now, therefore

-----  
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike-out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2. COUNTY, MARYLAND, that Section 101, the definition of "Jet-Propelled  
3. Skis" be and it is hereby added to the Baltimore County Zoning  
4. Regulations, as amended, to read as follows:

5. Section 101 - Definitions

6. JET-PROPELLED SKIS: A TYPE OF WATERCRAFT WHICH CONSISTS OF  
7. SELF-PROPELLED WATER SKIS DESIGNED TO ACCOMMODATE ONE OR TWO RIDERS.  
8. FOR THE PURPOSE OF THESE REGULATIONS, JET-PROPELLED SKIS SHALL NOT BE  
9. CONSIDERED BOATS OR RECREATIONAL VEHICLES.

10. SECTION 2. AND BE IT FURTHER ENACTED, that Section 101, the  
11. definition of "Recreational Vehicle" and Section 415A of the Baltimore  
12. County Zoning Regulations, as amended, be and they are hereby repealed  
13. and reenacted, with amendments, to read as follows:

14. Section 101 - Definitions

15. Recreational Vehicle AND BOAT:

16. A vehicular type unit which is primarily designed for  
17. recreation, camping or travel use, which either has its own motive  
18. power or is mounted on or drawn by another vehicle, which EXCEPT FOR A  
19. BOAT KEPT IN WATER, is not more than 35 feet in length, and which, in  
20. general, is of such size and weight as not to require special highway  
21. movement permits when driven, or drawn by a passenger automobile or  
22. pick-up truck. The following shall be considered recreational vehicles:

23. Motorhome: A vehicular unit built on a self-propelled motor  
24. vehicle chassis.

1. Travel trailer: A vehicular portable unit mounted on wheels,  
2. designed to be towed by a passenger automobile or pick-up truck.

3. Fifth wheel trailer: A vehicular portable unit mounted on  
4. wheels, designed and constructed to be towed by a passenger automobile  
5. or pick-up truck fitted with a fifth-wheel hitch.

6. Truck camper: A portable unit designed to be loaded onto, or  
7. affixed to, the bed or chassis of a truck or automobile.

8. Camping trailer: A vehicular portable unit mounted on wheels  
9. and constructed with collapsible side walls which fold down for towing  
10. by another vehicle and unfold at campsite to provide temporary living  
11. quarters.

12. {Trailer} Boat: A recreational boat {and} WITH OR WITHOUT A  
13. trailer. {in combination normally towed by a vehicle.} IF IN  
14. COMBINATION WITH A TRAILER, A BOAT IS NORMALLY TOWED BY A VEHICLE.

15. Section 415A Recreational Vehicles AND BOATS

16. 415A.1 Contrary provisions of these regulations  
17. notwithstanding, one recreational vehicle may be stored on a  
18. residential lot as set forth below. Such vehicle, except a truck  
19. camper, shall have a current license, may not be lived in, or otherwise  
20. occupied, when stored on a lot and shall be mechanically ready to be  
21. moved at any time. A RECREATIONAL BOAT, WHETHER MOUNTED ON A TRAILER  
22. OR STORED ON LAND WITH OR WITHOUT THE USE OF SUPPORTS, IS SUBJECT TO  
23. THESE PROVISIONS. A BOAT LESS THAN 16 FEET IN LENGTH IS NOT SUBJECT TO  
24. THESE PROVISIONS, EXCEPT WHEN SUCH BOAT IS MOUNTED ON A TRAILER. The  
25. space occupied by such a RECREATIONAL vehicle OR BOAT may be counted as  
26. a required parking space.

1. {415A.1} A. On a lot occupied by a single-family detached or  
2. semi-detached dwelling, one such vehicle may be stored 2-1/2 feet from  
3. any rear or side lot line; however, when in a side yard it must be  
4. situated at least 8 feet to the rear of a lateral projection of the  
5. front foundation line of the dwelling. Such vehicle may be stored in  
6. any garage.

7. {415A.2} B. On the lot of any individually owned row or group  
8. house, one such vehicle may be stored, provided it is situated entirely  
9. in the rear yard, 2-1/2 feet from the side or rear lot lines.

10. {415A.3} C. Such vehicles may be stored on a specially designed  
11. parking area of any multi-family rental or condominium unit. Such  
12. areas must be screened from adjacent off-site residential uses, as  
13. required by the ~~Zoning-Commissioner~~ DIRECTOR OF ZONING  
14. ADMINISTRATION AND DEVELOPMENT MANAGEMENT.

15. 415A.2 A RESIDENTIALLY USED OR VACANT RESIDENTIALLY ZONED  
16. WATERFRONT LOT SHALL HAVE NO MORE THAN ONE PIER (WHETHER FIXED OR  
17. FLOATING). . AS OF NOVEMBER 15, 1993, THE NUMBER OF BOATS, NOT INCLUDING  
18. THOSE SMALLER THAN 16 FEET, PERMITTED TO BE STORED AT A PIER, SLIP,  
19. BUOY OR ANY OTHER MOORING DEVICE IN THE WATER AT SUCH A LOT SHALL BE  
20. LIMITED IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

<u>FRONT LOT LINE</u>	<u>NUMBER OF BOATS PERMITTED</u>
<u>WATERSIDE LOT LINE</u>	
0 TO 50 FEET	4
51 TO 100 FEET	5
OVER 100 FEET	6

1. {415A.4} 415A.3 - Exceptions

2. A. FROM NOVEMBER 1ST THROUGH MARCH 31ST, OUT-OF-WATER  
3. STORAGE FOR ONE ADDITIONAL NONTRAILERED BOAT SHALL BE PERMITTED SUBJECT  
4. TO THE CRITERIA OF 415A.1 (A) OR (B):

5. A. FROM NOVEMBER 1ST THROUGH MARCH 31ST, OUT-OF-WATER BOAT  
6. STORAGE ON RESIDENTIAL WATERFRONT LOTS IS PERMITTED SUBJECT TO THE SET  
7. BACK PROVISIONS IN 415A.1 (A) OR (B) AND IN ACCORDANCE WITH THE  
8. FOLLOWING SCHEDULE:

<u>WATERSIDE LOT LINE</u>	<u>NUMBER OF BOATS PERMITTED</u>
<u>0 TO 75 FEET</u>	<u>2 BOATS, OR 1 BOAT AND 1</u>
	<u>OTHER RECREATIONAL VEHICLE</u>
<u>OVER 75 FEET</u>	<u>3 BOATS, OR 2 BOATS AND 1</u>
	<u>OTHER RECREATIONAL VEHICLE</u>

14. B. Where the requirements set forth herein for the storage of  
15. recreational vehicles would create an undue hardship, the Zoning  
16. Commissioner may approve a modified storage plan upon petition and  
17. public hearing thereon ACCORDING TO THE PROCEDURE DEFINED IN TITLE 26 -  
18. SECTION 26-127( 6 ) (b), EXCEPT THAT IF NO HEARING IS  
19. REQUESTED, THE MODIFIED PLAN MAY BE APPROVED, BY THE DIRECTOR OF ZONING  
20. ADMINISTRATION AND DEVELOPMENT MANAGEMENT, SUBJECT TO APPEAL TO THE  
21. BALTIMORE COUNTY BOARD OF APPEALS.

22. SECTION 3. AND BE IT FURTHER ENACTED, that this Act shall take  
23. effect forty-five days from the date of its enactment.

B05493/BILLS93





*PC Exhibit # 8A*  
County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

May 10, 1994



Mr. Francis J. Reinsfelder  
3013 Third Avenue  
Baltimore, MD 21234

RE: Case No. 94-176-A  
Francis J. Reinsfelder -Petitioner

Dear Mr. Reinsfelder:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

*Charlotte E. Radcliff for*  
Kathleen C. Weidenhammer  
Administrative Assistant

Enclosure

cc: Mrs. Gloria L. Marken  
Mrs. Catherine M. Tracey  
Mrs. Emma Evans  
Mrs. Beverly Browning  
Mr. Jerry Miller  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM



IN THE MATTER OF  
THE APPLICATION OF  
FRANCIS J. REINSFELDER  
FOR VARIANCE ON PROPERTY LOCATED  
ON THE SOUTH SIDE THIRD AVENUE,  
400' +/- SOUTHEAST OF CENTERLINE  
HARFORD ROAD (3013 THIRD AVENUE)  
11TH ELECTION DISTRICT  
6TH COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO: 94-176-A

\* \* \* \* \*

### O P I N I O N

This case comes before the Board on appeal from the Zoning Commissioner's Order dated November 30, 1993, denying Petitioner's request for a variance from Section 431 of the Baltimore County Zoning Regulations (BCZR), to permit one commercial vehicle (large step van) to be parked in his front yard rather than the required rear or side yard. Francis J. Reinsfelder appeared and testified on his own behalf. Robert Browning, Gloria L. Marken, Jerry Miller, and Catherine M. Tracey testified in opposition to the requested relief, and Carole S. Demilio, Deputy People's Counsel, also participated in the proceedings.

From the testimony, the Board finds that Mr. Francis J. Reinsfelder is the owner of 3013 Third Avenue. The subject property is located within an established community known as Thornwood. Mr. Reinsfelder operates a business known as Fire and Ice Heating and Air Conditioning. Mr. Reinsfelder uses a white step van in the pursuit of his business. The step van measures approximately 26 ft. in length, 7.5 ft. in width, and 9 ft. in height, and is frequently parked on the parking pad in front of Mr. Reinsfelder's residence at 3013 Third Avenue.

From the evidence, the Board concludes that Mr. Reinsfelder has failed to meet his burden of proof in this case. Under McLean v. Soley, 270 Md. 208 (1973), the Petitioner has failed to prove practical difficulty or undue hardship. The Board further concludes that the requested relief would not be in harmony with the spirit of the BCZR nor in the best interests of securing the public's safety and welfare. The Board bases its conclusions on, among other things, the testimony of the protestants that the large commercial step van is out of character with the residential neighborhood which is over 50 years old. The Board also accepts the testimony of Catherine M. Tracey that the parking of the subject vehicle causes her difficulty in backing and pulling out of her driveway, which creates a safety hazard for her and other drivers in the neighborhood.

O R D E R

IT IS THEREFORE, this 10th day of May, 1994, by the County Board of Appeals of Baltimore County,

ORDERED that the Petition for Variance to permit one commercial vehicle to be parked in the front yard of a residential lot, in lieu of the required side or rear yard, be and is hereby DENIED.

1. The Petitioner shall be allowed thirty (30) days from the date of this Order to cease parking his commercial vehicle in the driveway of the front yard of his property at 3013 Th'rd Avenue.

PC  
Exhibit 8B

Reinsfelder vs. Baltimore County Board of Appeals

Case Number 94-CV-5408

Before Honorable Robert E. Cadigan, Associate Judge

December 6, 1994

Opinion of the Court

My standard of review for this Court, as Ms. Demilio pointed out and you have agreed, is very limited.

The Courts recognize that the zoning agency is charged with the fact finding process and this process involves the drawing of inferences. This Court cannot, as pointed out in the Mangeone case, substitute its judgment on the question as to whether the inference drawn is the right one or whether a different inference would be better. The test is reasonableness.

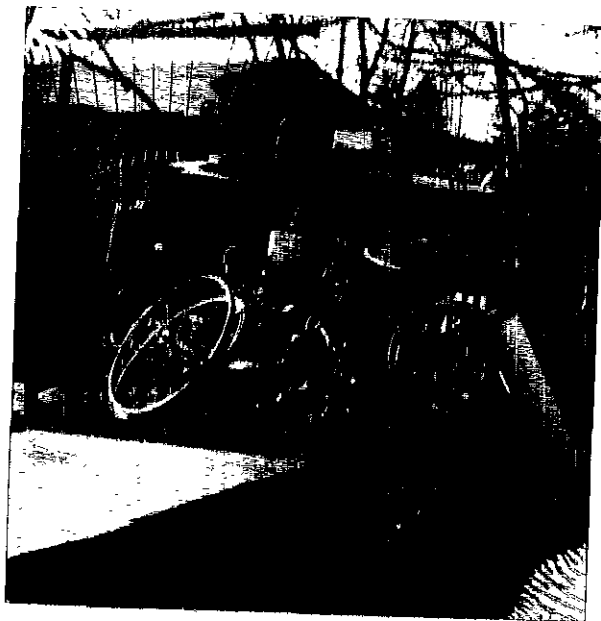
This Court has to give due deference to the rights of an administrative agency, such as Baltimore County Board of Appeals, to draw reasonable inferences from the facts and circumstances presented before it.

This Court cannot conclude that the decision of the County Board of Appeals was arbitrary and/or capricious and, accordingly, will dismiss your appeal and affirm the decision of the County Board of Appeals.

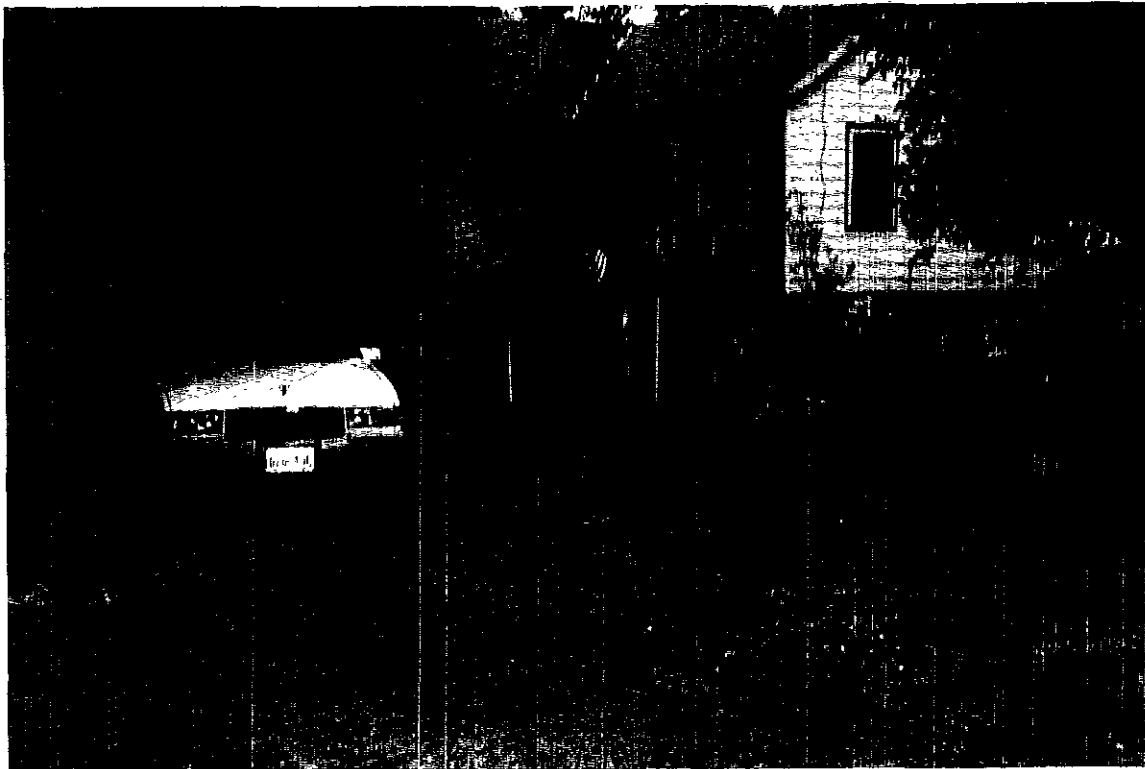
\*\*\*



Co Ex 1B- B<sup>13</sup>/~~8~~/95



Co. Ex 1A - 3/13/95



PETITIONER'S  
Ex # 1



1A



1B



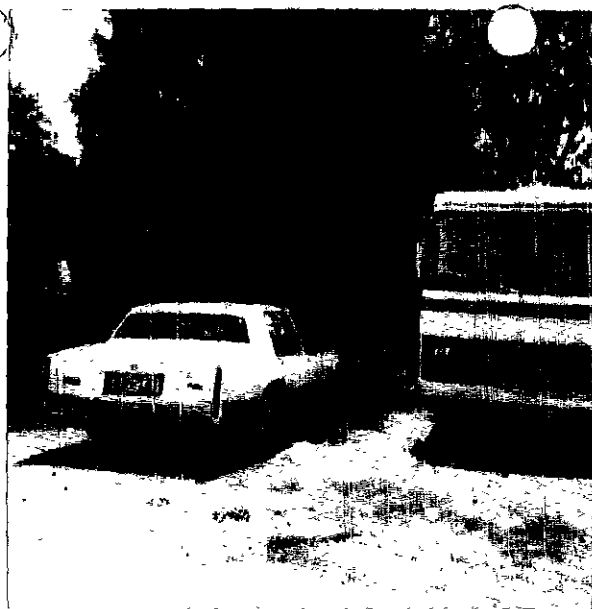
1C



1D



1E



1F



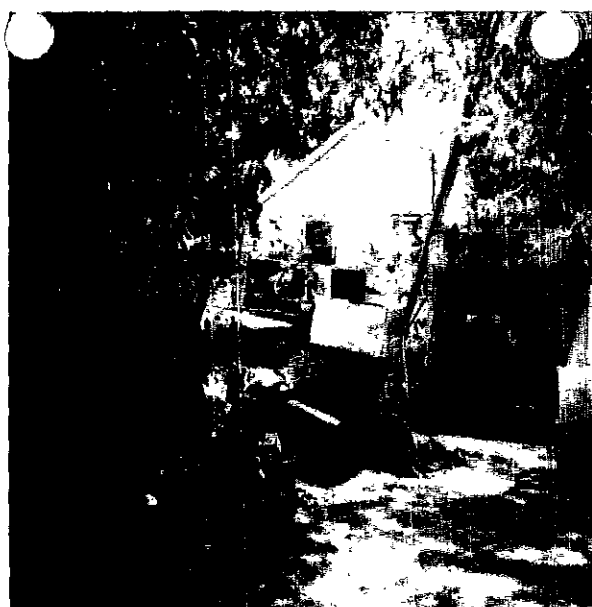
1G



1H



1I



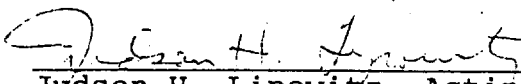
1J

Case No. 94-176-A Francis J. Reinsfelder

2. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

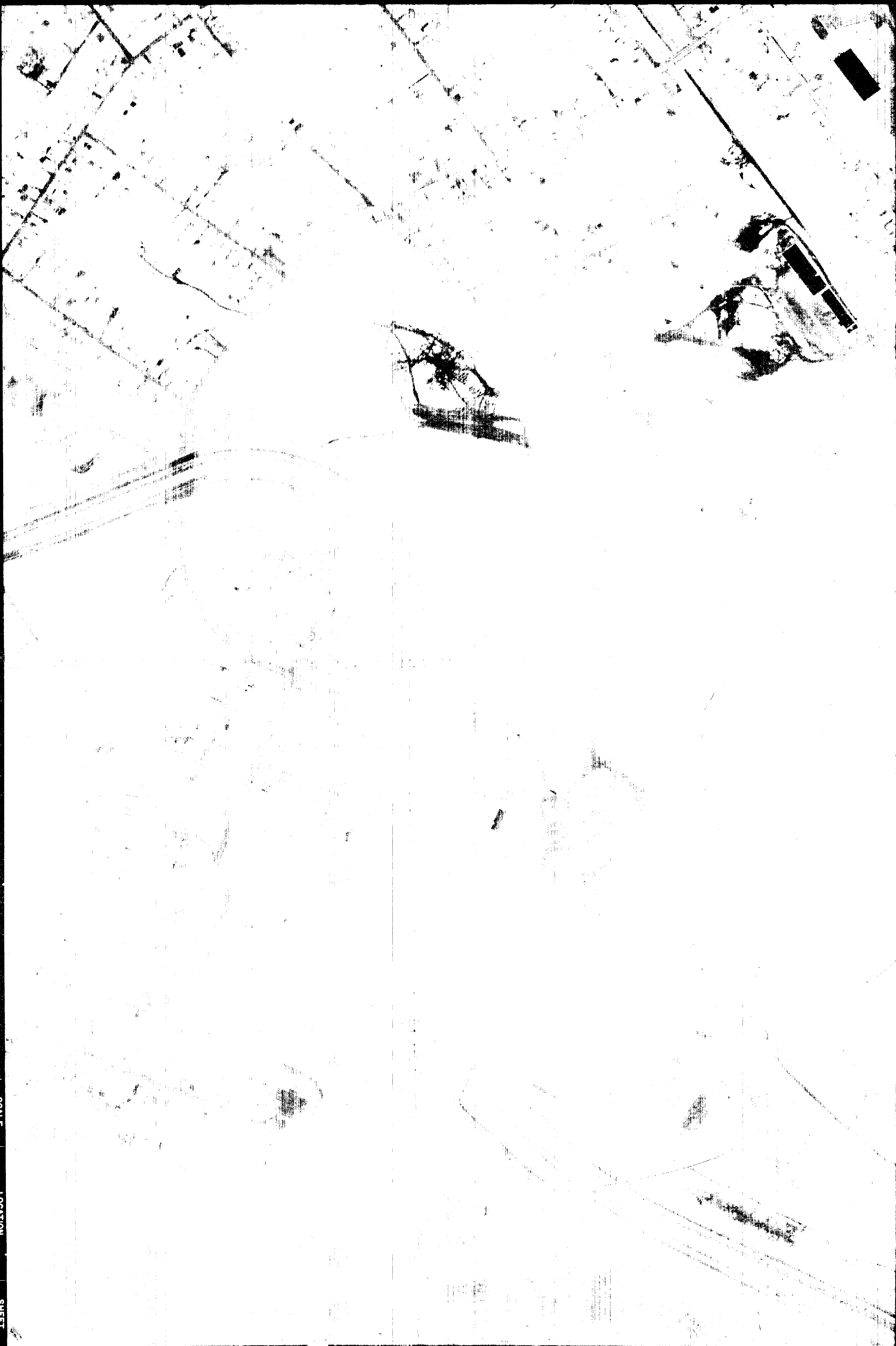
COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
Judson H. Lipowitz, Acting Chairman

  
Harry E. Buchheister, Jr.

  
Robert O. Schuetz





PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	CHESACO PARK	N.E. 2-F
DATE OF PHOTOGRAPHY JANUARY 1986	ITEM # 276	

95-282-A



